

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PATRICK DONNELLY, individually and on  
behalf of a class of similarly situated persons and  
entities,

Plaintiff,

vs.

NEW JERSEY RE-INSURANCE COMPANY;  
ASSURANT INSURANCE GROUP (d/b/a  
American Bankers Insurance Company of Florida);  
FIDELITY NATIONAL PROPERTY &  
CASUALTY INSURANCE COMPANY (also  
d/b/a Fidelity National Property & Casualty  
Insurance Company); HARTFORD FIRE  
INSURANCE COMPANY; LIBERTY MUTUAL  
FIRE INSURANCE COMPANY; SELECTIVE  
INSURANCE COMPANY OF AMERICA;  
PHILADELPHIA CONTRIBUTIONSHIP  
INSURANCE COMPANY; STATE FARM FIRE  
AND CASUALTY COMPANY; TRAVELERS  
INSURANCE COMPANIES (also d/b/a Standard  
Fire Insurance Company); and ABC INSURANCE  
COMPANIES 1-10 (being fictitious names).

Defendants.

Civil Action No.

2:12-cv-07629-ES-SCM

**CONSENT ORDER OF PARTIAL  
DISMISSAL WITHOUT PREJUDICE**

Pursuant to the telephonic conference held in the above-captioned action on May 30, 2013,  
and upon consent of all parties as demonstrated by the signatures below of their respective counsel,  
all class action allegations of the Complaint are dismissed without prejudice, as follows:

1. Plaintiff's Second, Third, Fourth, Fifth, Sixth, and Seventh Causes of Action are hereby  
dismissed as to all defendants, without prejudice.

2. Plaintiff's Eight, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Causes of Action, which have already been dismissed by stipulation as to defendant State Farm Fire and Casualty Company, are now hereby dismissed as to all remaining defendants, without prejudice.

3. As a cumulative result of the foregoing, all claims have now been dismissed as to all defendants except New Jersey Re-Insurance Company, which remains as a defendant only on the plaintiff's individual claims, which are asserted in his First Cause of Action.

4. As a result of the foregoing, Docket Entry No. 30, the motion filed by "the non-insuring defendants" (consisting of all defendants except New Jersey Re-Insurance Company) to dismiss the Complaint for failure to state a cause of action is rendered moot, and is therefore deemed withdrawn.

5. As a result of the foregoing, Docket Entry No. 32, the motion filed by New Jersey Re-Insurance Company to dismiss the Complaint for failure to state a cause of action, is rendered moot to the extent that it relates to the class action allegations of the Second through Thirteenth Causes of Action, and is deemed withdrawn to that limited extent; the motion is not deemed withdrawn, however, as it relates to the individual claims of the plaintiff asserted in his First Cause of Action.

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HON. STEVEN C. MANNION

/s/ *Jeffrey A. Bronster*

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Jeffrey A. Bronster, Esq.  
JEFFREY A. BRONSTER, PC  
Counsel for the Plaintiff

/s/ *Steuart H. Thomsen*

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Counsel for Defendant State Farm  
Fire and Casualty Company

/s/ *William Treas*

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William Treas, Esq.  
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Counsel for Defendants New Jersey  
Re-Insurance Company, American  
Bankers Insurance Company of Florida,  
Fidelity National Property & Casualty  
Insurance Company, Hartford Fire

/s/ *Craig R. Blackman*

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Counsel for Defendant Standard Fire  
Insurance Company

/s/ *Kim V. Marrkand*

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Kim V. Marrkand, Esq.  
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Counsel for Defendant Liberty Mutual  
Fire Insurance Company

Dated: June 6, 2013